

**WESTERN DISTRICT COURT OF WASHINGTON
AT SEATTLE**

In re:

WON YONG HA and MONICA YOUNG HA

Plaintiff

vs.

US BANK NATIONAL ASSOCIATION,
NOT INDIVIDUALLY BUT SOLELY AS
TRUSTEE FOR BLUE WATER
INVESTMENT TRUST AND SELENE
FINANCE LP AND FORECLOSURE
TRUSTEE, MICHELLE R. GHIDOTTI, ESQ.

Defendant.

CASE NO.: **2:19-cv-00492-RAJ**

**PLAINTIFF REQUEST FOR RELIEF
FROM DEADLINE AND OPPOSITION
TO MOTION TO DISMISS LOCAL
RULE 7(d)(2)(A)**

**COMES NOW: Won Yong Ha and Monica Young Ha and asks the Court for Relief from
Deadline for responsive pleadings and expansion of time pursuant to LCR 7(d)(2)(A), LCR
7 (j), and Fed. R. Civ. P. 6(b)(1)(B) ¹**

¹ Fed. R. Civ. P. 6 (b) Extending Time. (1) In General. When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

EXTENSION
TIME FOR RESPONSE

YONG HA AND MONICA YOUNG
9419-Points Dr. NE
Clyde Hill WA, 98004

1 The Plaintiff filed a claim to stop a wrongful foreclosure lawsuit with other
2 multiple causes of action, these causes have been before the Courts before as thousands of
3 homeowner's struggles to make their mortgage payments and have lost their homes. The case is
4 complex and the foreclosure process continues to be redefined as the Washington Supreme Court
5 continues to make decisions that affect the various foreclosure procedures and prerequisites, in
6 particular the Deed of Trust Act, specifically RCW 61.24.010(4), RCW 61.24.135, and the entire
7 Washington State non-judicial foreclosure process itself.
8

9 ("Defendants") motion for 12(b)(6) required the Ha's to respond by June 21st 2019,
10 pursuant to LCR 7(d)(3). The Ha's response will be late and the cause that prompts this request
11 for expansion of time and relief from deadline is the emergency Bankruptcy filing. Western
12 District Bankruptcy Court case # 19-11844. Pursuant to Evidence Rule 201 the court may take
13 judicial notice of adjudicative facts. The Bankruptcy filing was to stop a scheduled Foreclosure
14 as Defendants refuse to place trustee sale on litigation hold just one example of the Trustee
15 breach of Deed of Trust act. While being focus on the bankruptcy filing the Plaintiff would
16 request the response time of defendant motion to be tolled. The Plaintiff, Ha bankruptcy is now
17 dismissed on 06/25/2019. Therefore, plaintiff can prepare and focus on a response. Plaintiffs
18 Ha's are working diligently to complete their response in a timely manner. The Ha's understand
19 they are subject to the same standards as an attorney while participating pro se. The Defendants
20 motion is well written and 26 pages long with numerous exhibits to review, the motion is 138
21 pages total! even a seasoned attorney would require an enlargement of time based on his or her
22 workload to respond to Defendant's Motion to dismiss. Nevertheless, on June
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26 18, 2019, the Plaintiff did attempt to reach out to opposing counsel for an extension pursuant to
27 LCR 7 and attempted to meet and confer for additional time, Plaintiff received no response.
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1 Respectfully, the Plaintiff Ha's ask until July 25th 2019 to responded and object to
2 Defendants 12(b)(6) motion as the Bankruptcy is good cause for the granting of this request.
3 Should court not be incline to accept a late response and the Court proceeds without plaintiffs
4 objection. The Plaintiff request leave of court to amend their complaint alternatively if court
5 grants a dismissal.
6

7
8 Respectfully submitted this 6th July_day of 2019 at WA.

9 /s/ **Won Yong Ha**
10 Won Yong Ha
11 9419-Points Drive NE
12 Clyde Hill WA, 98004

/s/ **Monica Young Ha**
Monica Young Ha
9419-Points Drive NE
Clyde Hill WA, 98004

13
14 **Declaration of Service**

15
16 The undersigned makes the following declaration:

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18
19 1. I am now, and at all times herein mentioned was a resident of the State of Washington,
20 over the age of eighteen years and I have knowledge of the facts stated herein.

21 2. On July 6th , 2019 I caused a copy of the foregoing Request for Relief from Deadline to
22 be served to the following in the manner noted below: US Mail and court ECF notice.
23

24
25 Kristin A Zilberstein
26 LAW OFFICE OF ANGELA M MICHAEL
27 3100 NW BUCKLIN HILL ROAD
28 STE 206F
SILVERDALE, WA 98383
619-243-3921

EXTENSION
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YONG HA AND MONICA YOUNG
9419-Points Dr. NE
Clyde Hill WA, 98004

1 kzilberstein@ghidottiberger.com
2
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5 I declare under penalty of perjury under the laws of the state of Washington that the foregoing is
6 true and correct.

7 Signed this 6th day July 2019 at King County
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9

10 /s/ Won Yong Ha
11 Won Yong Ha
12 9419-Points Drive NE
13 Clyde Hill WA, 98004
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/s/ Monica Young Ha
Monica Young Ha
9419-Points Drive NE
Clyde Hill WA 98004

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